
By: **Delegates Jones, Burns, Cardin, Howard, Kelley, Morhaim,
Nathan-Pulliam, Proctor, F. Turner, and Zirkin**

Introduced and read first time: January 28, 2004

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Residential Child Care Programs - Rate Setting - Performance-Based**
3 **Outcomes**

4 FOR the purpose of requiring the Subcabinet for Children, Youth, and Families to
5 adopt regulations that link the determination of rates for certain licensed
6 residential child care program services to performance-based outcomes;
7 requiring the Subcabinet to adopt the regulations by a certain date; and
8 generally relating to the determination of rates for certain residential child care
9 program services.

10 BY repealing and reenacting, without amendments,
11 Article 49D - Office for Children, Youth, and Families
12 Section 4.1(a) and (b)
13 Annotated Code of Maryland
14 (2003 Replacement Volume)

15 BY repealing and reenacting, with amendments,
16 Article 49D - Office for Children, Youth, and Families
17 Section 4.1(h)
18 Annotated Code of Maryland
19 (2003 Replacement Volume)

20 BY repealing and reenacting, without amendments,
21 Article - Education
22 Section 8-417(a)(1) and (4) and (b)
23 Annotated Code of Maryland
24 (2001 Replacement Volume and 2003 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the Laws of Maryland read as follows:

Article 49D - Office for Children, Youth, and Families1
2 4.1.

3 (a) There is a Subcabinet for Children, Youth, and Families.

4 (b) The Subcabinet for Children, Youth, and Families consists of:

5 (1) The Special Secretary;

6 (2) The Secretary of Health and Mental Hygiene;

7 (3) The Secretary of Human Resources;

8 (4) The Secretary of Juvenile Services;

9 (5) The State Superintendent of Schools;

10 (6) The Secretary of Budget and Management;

11 (7) The Director of the Office for Individuals with Disabilities; and

12 (8) A representative from any other State agency that the Governor
13 designates.

14 (h) The Subcabinet shall:

15 (1) Provide ongoing examination of the structure and organization of
16 Maryland's system of services to children, youth, and families; [and]17 (2) Facilitate a comprehensive effective, efficient, and integrated service
18 delivery system for services to children, youth, and families; AND19 (3) ON OR BEFORE JANUARY 1, 2006, ADOPT REGULATIONS THAT LINK
20 THE DETERMINATION OF RATES FOR RESIDENTIAL CHILD CARE PROGRAM SERVICES
21 LICENSED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE
22 DEPARTMENT OF HUMAN RESOURCES, AND THE DEPARTMENT OF JUVENILE
23 SERVICES TO PERFORMANCE-BASED OUTCOMES.24 **Article - Education**

25 8-417.

26 (a) (1) In this section the following words have the meanings indicated.

27 (4) "Residential child care program" means a program that:

28 (i) Provides care for children 24 hours a day within a structured
29 set of services and activities designed to achieve objectives related to the needs of the
30 children served; and

1 (ii) Is licensed by the Department of Health and Mental Hygiene,
2 the Department of Human Resources, or the Department of Juvenile Services.

3 (b) (1) The Department of Education, as the fiscal agent of the Subcabinet
4 Fund for Children, Youth, and Families under Article 49D of the Code, shall
5 administer and implement a redesigned rate setting process for nonpublic general
6 education schools, residential child care programs, and nonresidential child care
7 programs.

8 (2) The Department of Human Resources, the Department of Juvenile
9 Services, the Department of Budget and Management, the Office for Children, Youth,
10 and Families, and the Department of Health and Mental Hygiene shall participate
11 with the Department of Education in the development and implementation of rates in
12 programs licensed or approved by those agencies to the extent required by federal and
13 State law.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
15 effect October 1, 2004.